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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/798,359 | 03/12/2004 | Yoshikazu Takamatsu | Q80302 | 5625 |
| 23373 | 7590 | 01/11/2006 | EXAMINER | |
| SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037 | | | HEWITT, JAMES M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3679 | |

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,359

Applicant(s)

TAKAMATSU ET AL.

Examiner

James M. Hewitt

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/12/04, 5/12/05, 8/19/05 & 10/19/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/790,716.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/12, 5/12 & 8/19.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election of Species X (Figures 16 & 17) in the reply filed on 10/19/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 1-9 and 14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/19/05.

Specification

The abstract of the disclosure is objected to because it should describe the claimed invention and also be edited for proper English. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

The entire specification should be edited for proper English.

On page 1, the patent number corresponding to application 09/790,716 should be indicated.

On page 47 line 5, "641" should be replaced with "644".

Appropriate correction is required.

Claim Objections

Claims 10-13 and 15 are objected to because of the following informalities:

In claim 10 line 3, the phrase "wherein the outer pipe *is eliminated* at an end portion to expose the inner pipe" is awkward and confusing.

In claim 10 line 6, "inner pipe exposed" should be "exposed portion of the inner pipe".

In claim 10 line 11, the phrase "elongates substantially in straight" is awkward and confusing.

In claim 11 line 3, the phrase "wherein the outer pipe *is eliminated* at an end portion to expose the inner pipe" is awkward and confusing.

In claim 11 lines 13-14, the phrase "at least one of the first connecting portion and the second connecting portion" should be replaced with the phrase "the first connecting portion or the second connecting portion respectively"

In claim 11 line 16, "end portion" should be "end".

In claim 12 lines 1-2, the phrase "wherein the concave portion has a tapered form in cross section to be smaller toward an end" is awkward and confusing and should be reworded.

In claim 13 line 1, the phrase "the main body is positioned such that" should be inserted before "a release mouth".

In claim 13 line 2, "end portion" should be "end".

In claim 13 line 3, the comma should be deleted.

In claim 15 line 1, "comprising:" should be "comprises:".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Greene et al (US 5,449,204).

With respect to claim 10 and with particular reference to Figure 3, Greene et al discloses a joint for a duplex pipe including an outer pipe for passing a first fluid, an inner pipe (86) disposed inside of the outer pipe, the inner pipe for passing a second fluid, and a rib (92) for connecting the outer pipe with the inner pipe (via that portion of body 82 between the spider 92 and inner pipe 86), wherein the outer pipe is eliminated at an end portion to expose the inner pipe, the joint comprising: a main body formed in a block shape (in the broadest reasonable sense, the tee-fitting can be interpreted as a block shape), the main body disposed at the end portion of the outer pipe to cover the inner pipe exposed, the main body forming a passage for passing the first fluid flowing inside the outer pipe; the main body defining a first opening (opening of the fitting adjacent end of lead line for numeral 102) for supplying the first fluid from the passage to a first outer pipe, and a second opening (opening of the fitting adjacent end of lead

line for numeral 96) for supplying the second fluid from the inner pipe to a second outer pipe; wherein the inner pipe exposed from the end portion of the outer pipe crosses the passage and elongates substantially in straight.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greene et al (US 5,449,204) in view of O'Laughlin (US 1,986,010).

With respect to claim 11 and with particular reference to Figure 3, Greene et al discloses a joint for a duplex pipe including an outer pipe for passing a first fluid, an inner pipe (86) disposed inside of the outer pipe, the inner pipe for passing a second fluid, and a rib (92) for connecting the outer pipe with the inner pipe (via that portion of body 82 between the spider 92 and inner pipe 86), wherein the outer pipe is eliminated at an end portion to expose the inner pipe, the joint comprising: a main body formed in a block shape (in the broadest reasonable sense, the tee-fitting can be interpreted as a block shape), the main body defining a first passage for passing the first fluid and a second passage for passing the second fluid, the main body defining a first opening (opening of the fitting adjacent end of lead line for numeral 102) for communicating the first passage with a first outer pipe guiding the first fluid, a second opening (opening of

Art Unit: 3679

the fitting adjacent end of lead line for numeral 96) for communicating the second passage with a second outer pipe guiding the second fluid; a first connecting portion (a given portion of the fitting) connecting an end of the outer pipe with the first passage; a second connecting portion (a given portion of the fitting) connecting an end of the inner pipe with the second passage, the second connecting portion defining a concave portion (adjacent end of inner pipe 86); a stopper (defining concave portion) for engaging the end of the outer pipe or the end of the inner pipe with at least one of the first connecting portion and the second connecting portion. Greene et al fails to teach a brazing material brazed in the concave portion of the second connecting portion, the brazing material for brazing the end portion of the inner pipe to the second connecting portion. O'Laughlin teaches a tee-fitting wherein a soldering or brazing ring is disposed an interior shoulder of the fitting that acts as a stop for an inserted pipe, the ring acting to secure the end of the inserted pipe upon application of heat. In view of O'Laughlin's teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a soldering/brazing ring at the concave stopper portion of Greene et al as an alternate means to reliably secure the inner pipe to the fitting.

With respect to claim 12, wherein the concave portion has a tapered form in cross section to be smaller toward an end.

With respect to claim 13, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

With respect to claim 15, wherein the main body comprising: a first wall defining a blind hole in the first passage; and the first connecting portion is formed at a release end of the blind hole. Refer to Figure 3.

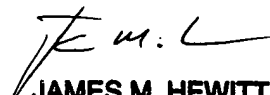
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JAMES M. HEWITT
PRIMARY EXAMINER